IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 30086 of 2004(F)

PETITIONERS:

1. PRASANNA R.NAIR, VASANTHA VILASAM, HOUSE NO.108, LANE NO.1, SWATHY NAGAR, PEROORKADA, THIRUVANANTHAPURAM-5, REPRESENTED BY HER POWER OF ATTORNEY HOLDER, MR.R.K.RADHAKRISHNAN NAIR.

2. P.G.BALAKRISHNAN NAIR, VASANTHA VILASAM, HOUSE NO.108, LANE NO.1, SWATHY NAGAR, PEROORKADA, THIRUVANANTHAPURAM-5, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, MR.R.K.RADHAKRISHNAN NAIR.

3. R.K.RADHAKRISHNAN NAIR, ANUGRAHA RESHMI, HOUSE NO.123, LANE NO.1, SWATHY NAGAR, PEROORKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR

RESPONDENTS:

1. ASSISTANT ADDITIONAL DISTRICT MAGISTRATE, THIRUVANANTHAPURAM.

2. ASSISTANT EXECUTIVE ENGINEER, T.C.SUB DIVISION KATTAKKADA, THIRUVANANTHAPURAM.

3. KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS CHAIRMAN, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K. KARUNAKARAN - SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30086/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE POWER OF ATTORNEY DT. 30/1/04.

EXT.P2. COPY OF THE NOTICE NO. EB. KTDA VT-1/ BYTHE R2.

EXT.P3. COPY OF THE NOTICE DT. 5/11/03 TO THE R2.

EXT.P4. COPY OF THE REFERENCE DT. 6/2/004 FILED BY THE R2 BEFORE THE R1.

EXT.P5. COPY OF THE OBJECTION FILED BY THE PETITIONERS 1 AND 2 BEFORE THE R1 DT. 7/7/04.

EXT.P6. COPY OF THE PROCEEDINGS NO. D.DIS SI-58125/99 DT. 22/1/03.

EXT.P7. COPY OF THE REFERENCE DT. 8/7/04 FILED BY THE R2 BEFORE THE R1.

EXT.P8. COPY OF THE OBJECTION IN SL 11204/04 BY THE P3 BEFORE THE R1.

EXT.P9. COPY OF THE ORDER NO. D.DIS S. 11204/2004 DT. 7/10/2004.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE ORDER NO. D.DIS 11020/96/S1 DT. 28/8/97 OF THE R1.

EXT.R2B. COPY OF THE JUDGMENT IN OP NO. 5847/98 DT. 10/6/99.

EXT.R2C. COPY OF THE ROUGH SKETCH PREPARED BY THE ASST. EXE. ENGINEER.

EXT.R2D. COPY OF THE ROUGH SKETCH PREPARED BY THE ASST. EXECUTIVE ENGINEER.

True copy

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KURIAN JOSEPH , J

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W.P.(C) NO. 30086 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner approached this Court aggrieved by the steps taken for drawing an electric line. During the pendency of the writ petition, the line has been drawn. According to the petitioner, valuable trees have been cut and removed. The land value is also substantially reduced. There is no dispute that the petitioner is entitled to compensation in respect of damages thus suffered on account of the drawing of the electric line. Therefore, the writ petition is disposed of directing the respondents 2 and 3 to disburse the eligible compensation to the petitioners on account of the drawing of the electric line, in respect of the trees cut and removed and also on account of the diminished value as admitted to be due to the petitioners in the counter affidavit, within a period of three months from the date of production of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

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